# IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

UNITED STATES OF AMERICA ex rel.	§	
Mendez, et al.,	§	
	§	
Plaintiff,	§	
	§	CAUSE NO. 4:21-CV-2565
V.	§	
	§	
	§	
DOCTODE HOEDITAL AT	§	
DOCTORS HOSPITAL AT	§	
RENAISSANCE, LTD., et al.,	§	
Defendants.	§	

# PLAINTIFFS DONNA MENDEZ AND SELINA RUSHING'S NOTICE OF PARTIAL DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i)<sup>1</sup>, Plaintiffs Donna Mendez and Selina Rushing respectfully submit this Notice of Partial Dismissal of the following defendants, with prejudice. This Notice is being filed before any of the following defendants have filed an answer to the Second Amended Complaint or a motion for summary judgment.

- 1. Dr. Victor Haddad
- 2. S. David Deanda, Sr.
- 3. Dr. Lawrence Gelman
- 4. Dr. Ricardo Martinez
- 5. Dr. Subbarao Yarra
- 6. EKR Therapeutics, LLC

<sup>&</sup>lt;sup>1</sup> "Rule 41(a) permits a plaintiff to dismiss just one defendant, 'even though the action against another defendant would remain pending." National City Golf Finance v. Scott, 899 F.3d 412, 415 n.3 (5th Cir. 2018) quoting Plains Growers, Inc. ex rel. Florists' Mut. Ins. Co. v. Ickes-Braun Glasshouses, Inc., 474 F.2d 250, 253 (5th Cir. 1973)).

#### 7. Chiesi USA, Inc.

### Respectfully submitted,

## /s/ Anthony G. Buzbee

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#### /s/ Joel Androphy

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### /s/ Ricardo A. Barrera

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**ATTORNEYS FOR PLAINTIFFS** 

# **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above was served via the Court's CM/ECF system on April 1, 2022.

/s/ Anthony G. Buzbee
Anthony G. Buzbee